

8/20/79

INCOMING TELEGRAM

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ACTION ARA-15

4577 **AK240** BUENOS 06782 201935Z

INFO OCT-01 ADS-00 HA-05 CIAE-00 DODE-00 MSAE-00  
NSCE-00 SSO-00 ICAE-00 INRE-00 PM-05 H-01 INR-10  
L-03 PA-01 INC-01 SP-02 SS-15 AID-05 /B64 W  
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O 201905Z AUG 79  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC NIACI IMMEDIATE 1999

BUENOS AIRES 6782

E.O. 12065 XDS-1; 8-2B-09; (CASTRO, RAUL H.) OR-M  
TAGS SHUM, AR  
SUBJECT (C) HUMAN RIGHTS: FONOFF HANDS AMBASSADOR NOTE OF PROTEST  
OVER TOM RESTON'S STATEMENT

REF: STATE 215019

1. *(ENTIRE TEXT)*

2. SUMMARY: GOA FILES FORMAL PROTEST AGAINST USG FOR TOM RESTON  
STATEMENT ON COURT-ORDERED RAIDS ON HUMAN RIGHTS ESTABLISHMENTS.  
GOA IN ITS NOTE STATES SUBJECT MATTER COVERED BY TOM RESTON IS  
ONE OF INTERNAL (DOMESTIC) NATURE, COMING WITHIN THE SCOPE OF  
THE JUDICIARY AND IMPLEMENTED BY FEDERAL POLICE IN ITS INVESTI-  
GATIO OF THE COMMISSION OF A CRIME. GOA ALLEGES THIS BEHAVIOR  
NOT IN KEEPING WITH GOOD RELATIONS ESTABLISHED IN THE RECENT  
QUITO MEETING BETWEEN SCY VANCE AND FONMIN PASTOR. END SUMMARY.

3. UNDER-SECRETARY FOR POLITICAL AFFAIRS LUPIZ, THIRD RANKING  
OFFICER IN FONOFF HIERARCHY, SUMMONED ME TO HIS OFFICE AT  
NOON TODAY (AUG 20). ON ARRIVAL I WAS RECIEVED BY  
AMBASSADOR LUPIZ AND MINISTER GASTON PRAT GUY, OFFICER-IN-CHARGE  
OF NORTH AMERICAN AFFAIRS. BOTH WERE TENSE, NERVOUS AND  
APOLOGETIC FOR HAVING CITED ME TO CONFER WITH THEM.  
DISPENSING WITH USUAL TIME-WASTING FORMALITIES, AMBASSADOR  
LUPIZ STATED, HE HAD A NOTE OF PROTEST FROM FONMIN OVER  
RECENT PULIC STATEMENTS MADE BY TOM RESTON, DEPARTMENT  
SPOKESMAN, OVER COURT-ORDEED RAID ON THREE HUMAN RIGHTS  
ESTABLISHMENTS IN BUENOS AIRES. LUPIEZ THEN TOOK THE NOTE AND  
READ IT VERBATIM IN SPANISH. I NOTED AS HE WAS HOLDING  
THE NOTE HE WAS SHAKING-NERVOUS, NOT IN FRIGHT, BUT MOSTLY  
EMBARRASSED. WHEN LUPIZ FINISHED READING THE NOTE, I TOLD  
HIM THAT I LIKEWISE HAD BEEN INSTRUCTED TO MAKE REPRESENTA-  
TIONS TO GOA OVER THE DEPARHTMENT'S CONCERN OVER COURT-ORDERED  
RAIDS AS THESE RAIDS TENDED TO GIVE IMPRESSION OF AN EFFORT TO  
UNDERMINE IAHRC EFFORTS IN THEIR FORTHCOMING VISIT. I ALSO  
STATED MR. RESTON'S STATEMENTS REFLECTED DEPARTMENT POLICY.  
AT THIS POINT, THERE WAS TOTAL SILENCE INASMUCH THAT INSTEAD  
OF RECEIVING SOME TYPE OF EXCULPATORY OR MITIGATING EXPLANATION  
FROM ME BOTH LUPIZ AND PRAT HEAR A CROSS-COMPLAINT FROM USG.  
LUPIZ ATTEMPTED TO AGGRANDIZE THE INDEPENDENCE OF THEIR  
JUDICIARY. I TOLD LUPIZ I WAS TRULY CONFUSED OVER THEIR POLICY  
OF CLAIMING TRUE INDEPENDENCE OF ITS JUDICIARY. I EXPLAINED  
THAT JACORO TIMERMAN'S CASE DISMOUNTED GOA'S TRUE CONCEPT OF  
AN INDEPENDENT COURT-SYSTEM. I TOLD THEM TIMERMAN HAD BEEN  
ABSOLVED BY A MILITARY TRIBUNAL AND BY THEIR HIGHEST TRIBUNAL--  
ARGENTINA'S SUPREME COURT --AND YET INSTEAD OF GOA UPHOLDING  
AND RESPECTING THE DECISIONS RENDERED BY THESE COURTS GOA  
CHOSE TO IGNORE JUDICIAL INDEPENDENCE BY THE CONTINUED  
HOME INCARCERATION OF TIMERMAN BOTH LUPIZ AND PRAT AGREED  
THE TIMERMAN CASE MADE SHAMBLES OF THE JUDICIAL INDEPENDENCE  
CONCEPT.

4. IT WAS THEN MADE CRYSTAL CLEAR BY ME THAT SO LONG AS  
TIMERMAN REMAINED IN CUSTODY, PEOPLE CONTINUED TO DISAPPEAR  
AND THE RIGHT OF OPTION PROGRAM DIDN'T MOVE ANY FASTER,  
RELATIONS WITH USG COULD TEND TO DETERIORATE RATHER THAN  
IMPROVE. THIS CONCEPT WAS WELL UNDERSTOOD BY THEM, BUT THEN

THEY PROCEEDED TO INFORM ME OF THWAY THEY CONSIDERED SUBSTAN-  
TIAL IMPROVEMENTS IN THE FIELD OF HUMAN RIGHTS. I DETECTED  
THERE WAS NO MEETING OF THE MINDS OVER THE SUBJECT AND THERE  
WAS NO SENSE IN BELABORING THE POINT. EMOTIONALISM STARTED TO  
CREEP IN THE CONVERSATION. AT THAT MOMENT FONMIN PASTRO CALLED  
AND ASKED IF COULD CONFER WITH HIM AT 16:30 HOURS. I'M NOW  
SCHEDULED TO MEET WITH THE FONMIN AT TIME SCHEDULED AND WITH  
GENERAL ROBERTO VIOLA, JUNTA PRESIDENT, AT 18:15 HOURS. THIS  
IS MY DAY TO BE COMPLAINED AT AND ALSO TO RETORT WITH MY OWN  
COMPLAINTS.

*Argente*  
*R*

5. GOA'S NOTE WILL BE FORWARDED TO DEPARTMENT BY NEXT POUCH.

6. UNOFFICIAL TRANSLATION OF FONOFF FOLLOWS:

QUOTE: THE FOREIGN OFFICE EXTENDS GREETINGS TO THE AMERICAN  
EMBASSY AND WITH REFERENCE TO DECLARATIONS FORMULATED ON  
AUG 15 BY TOM RESTON, STATE DEPARTMENT OFFICIAL, THE  
FOLLOWING IS SUBMITTED:  
- THE GOVERNMENT OF ARGENTINA INVITED THE INTERAMERICAN  
HUMAN RIGHTS COMMISSION TO VISIT THIS REPUBLIC AND TO  
RELIZE THEIR TASKS WITH ENTRE FREEDOM.  
- THESE GUIDELINES WERE REPEATED TO MR. EDMUNDO VARGAS  
CARRENO, THE COMMISSION'S EXECUTIVE SECRETARY, IN BUENOS AIRES  
DURING THE PAST MONTH OF JULY.  
- THE EPISODE REFERRED TO BY MR. RESTON IS AN ACT FALLING  
WITHIN THE PERIMETER OF A DOMESTIC ARGENTINE ACT, ORDERED BY  
A COMPETENT JUDICIAL AUTHORITY AND IMPLEMENTED BY FEDERAL  
POLICE TO INVESTIGATE THE COMMISSION OF A CRIME.  
- THEREFORE, COMMENTARIES OF THAT NATURE ARE INADMISSIBLE  
AND IMPRUDENT, AND, FOR THAT REASON, DO NOT HARMONIZE WITH  
THEY THE SPIRIT OF COMPREHENSION AND UNDERSTANDING BROUGHT ABOUT  
BY THE MEETING OF THE TWO FOREIGN MINISTERS OF THE RESPECTIVE  
COUNTRIES IN QUITO ON THE TENTH DAY OF AUGUST, NOR DOES THIS  
HELP TO GUARD THAT FAVORABLE CLIMATE IN WHICH THE HUMAN RIGHTS  
COMMISSION CAN PERFORM ITS RESPONSIBILITIES WITH NORMALCY.  
THE FOREIGN MINISTER AVAILS ITSELF OF THE OPPORTUNITY TO  
REITERATE ITS SINCERE EXPRESSIONS OF TRUE CONSIDERATION.  
BUENOS AIRES, AUGUST 20, 1979  
END QUOTE  
CASTRO



*Goodbye  
Amb. Castro*

ARGENTINA PROJECT (S200000044)  
U.S. DEPT. OF STATE, A/RPS/ITS  
Margaret P. Griefeld, Director  
( ) Release ( ) Excise ( ) Deny  
Exemptions(s):  
Declassify: ( ) In Part (X) In Full  
( ) Classify as ( ) Extend as ( ) Downgrade to  
Date Declassify on Reason

82 D103  
Box 17404

# Department of State

INCOMING  
TELEGRAM

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ACTION ARA-15

8755 **AK242** BUENOS 06803 01 OF 02 211631Z

INFO OCT-01 ADS-00 10-14 MA-05 SY-05 SYE-00 CIAE-00  
DODE-00 NSAE-00 NSCE-00 SSO-00 ICAE-00 INRE-00  
PM-05 H-01 INR-10 L-03 PA-01 INC-01 SP-02 SS-15  
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FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC NIACI IMMEDIATE 2000

SECTION 1 OF 2 BUENOS AIRES 6803

E.D. 12065: XDS-1, 8/21/09 (CASTRO, RAUL H.) OR-M  
TAGS: AR, SHUM  
SUBJECT: FONMIN PROTESTS PUBLIC STATEMENTS ISSUED BY  
DEPARTMENT REFERENCE HUMAN RIGHTS

1. ENTIRE TEXT)

2. SUMMARY: ARGENTINE IRE HAS BEEN AROUSED TO EXTENT FONMIN PASTOR HAS CALLED AMBASSADOR TWICE THIS MORNING (AUG. 21) PROTESTING STRONGLY OVER ALLEGED PRESS CONFERENCE HELD BY TOM RESTON YESTERDAY STATING EMBASSY BA HAS BEEN INSTRUCTED TO SEEK CLANDESTINE CAMPS HOLDING PRISONERS, WHO ARE BEING KILLED SUMMARILY BEFORE ARRIVAL OF IAHRC. FONMIN STATES HEAVY PRESSURE BEING EXERTED BY MILITARY AND MEDIA TO CONDEMN USG FOR OFFENSIVE TREATMENT OF ARGENTINA AND OBVIOUS INTRUSION INTO ITS DOMESTIC AFFAIRS. END SUMMARY.

3. EVEN THOUGH I HAD A FRIENDLY MEETING WITH FONMIN PASTOR YESTERDAY (AUG 20), TODAY'S OUTLOOK IS FOR DAMAGING STORMS AHEAD. THIS MORNING (AUG. 21) AT ABOUT 8:15 HRS. I RECEIVED A PHONE CALL FROM PASTOR INDICATING HE COULD NOT STOMACH ANY MORE OF TOM RESTON'S STATEMENTS, AS REPORTED BY LOCAL MEDIA, ALLEGING AMEMBASSY BA HAD BEEN INSTRUCTED TO INVESTIGATE REPORTS OF CLANDESTINE CAMPS HOLDING PRISONERS WHO ARE BEING KILLED PRIOR TO ARRIVAL OF IAHRC.

4. PASTOR QUESTIONED USG METHODOLOGY OF GOING PUBLIC BEFORE GOA HAD AN OPPORTUNITY TO BE INFORMED ON THE SUBJECT. HE SAID IN HIS OPINION THERE WAS NOTHING MORE DESPICABLE THAN HAVING TO READ SOMETHING IN THE PRESS BEFORE GOA HAS AN OPPORTUNITY TO STUDY THE MATTER. PASTOR STATED HE WAS CONFUSED ABOUT USG'S LACK OF MANNERS AND TOTAL DISREGARD FOR TRADITIONAL, DIPLOMATIC USAGE. FONMIN STATED HEAVY PRESSURE BEING EXERTED BY MILITARY, MEDIA AND PUBLIC AT LARGE TO TAKE USG TO TASK FOR MAKING UNSUBSTANTIATED AND UNCONFIRMED REPORTS ON CLANDESTINE CAMPS AND KILLING OF PRISONERS. FONMIN INFORMED ME I MIGHT HAVE TO BE SUMMONED TO FONOFF FOR THIRD TIME FOR A TOUGHER AND SCORCHING NOTE OF PROTEST. HE FEARED A STRONG WAVE OF ANTI-AMERICANISM MIGHT DEVELOP, WHICH COULD EFFECT THE SECURITY OF AMERICANS.

5. JUST WHEN I THOUGHT I HAD CALMED PASTOR BY ADVISING HIM EMBASSY WAS ATTEMPTING TO GET FACTS ON WASHINGTON SCENARIO, HE CALLED ME AGAIN TO READ CABLE RECEIVED FROM GOA EMBASSY WASHDC REFERENCE PRESS CONFERENCE SUPPOSEDLY HELD YESTERDAY (AUG. 20) BY TOM RESTON REFERENCE CLANDESTINE CAMPS, PRISONERS, ETC. BY THIS TIME, JUDGING BY TONE OF VOICE, PASTOR WAS LIVID WITH RAGE AND KEPT REPEATING THERE WAS NO WAY GOA COULD TOLERATE SUCH INSULTS FROM USG. HE SAID SOME CORRECTION, ALTHOUGH HE MEANT APOLOGY, MUST BE FORTHCOMING FROM USG. HE DIDN'T USE THE WORD APOLOGY BUT IT WAS IMPLIED, AND HE FELT SOME MITIGATING STATEMENT SHOULD BE MADE BY USG.

6. BEING ON THE RECEIVING END OF THIS BLISTERING ATTACK, THE BEST DEFENSE WAS TO TRY FOR TIME. I TOLD PASTOR EMBASSY DIDN'T HAVE COPY OF RESTON STATEMENTS AND, THEREFORE, WE COULDN'T MAKE ANY COMMENT ON THE SUBJECT.

HE REQUESTED THAT AS SOON AS I HAD SOME CLARIFICATION FROM THE DEPARTMENT TO PLEASE CONTACT HIM.

7. NOW THAT I HAVE COVERED TODAY'S STORMY WEATHER, I SHALL REPORT ON MY MEETING WITH FONMIN PASTOR YESTERDAY (AUG 20) AT 16:30 HRS. IN HIS OFFICE. DURING YESTERDAY'S MEETING THE SUN WAS SHINING AND THERE WERE NO STORM CLOUDS ON THE HORIZON. IN FACT, PASTOR WAS APOLOGETIC FOR HAVING SUMMONED ME AGAIN TO THE FONOFF AND FOR HAVING ONE OF HIS SUBORDINATES HAND ME A NOTE OF PROTEST. HE MADE IT CLEAR HE PREFERRED TO HAVE THE THIRD MAN IN FONOFF HIERARCHY--AMBASSADOR LUPIZ--DO THE DIRTY WORK OF THE NOTE. HE FELT BY DOING THIS HE COULD TAKE SOME OF THE STING OUT.

8. PASTOR APPEARED MORE SINCERE AND INTENSE WHEN HE TOLD ME SOLE OBJECTIVE OF HAVING ME IN HIS OFFICE WAS TO BE SURE NOTE DIDN'T SET BACK THE GOOD RELATIONS HE HAD ESTABLISHED WITH SECY VANCE DURING THE QUITO MEETING. I PREVIOUSLY REPORTED (SEE BA 6614) THAT PASTOR ON HIS RETURN FROM QUITO SPOKE MOST HIGHLY OF SECY VANCE. HE TOLD ME YESTERDAY HE HOPED TO CONTINUED COFFERRING WITH SECY VANCE FROM TIME TO TIME.

*PF  
SC  
Argentina  
(Hang in there,  
Mr. Ambassador!)*

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release ( ) Excise ( ) Deny

Exemption(s):

Declassify: ( ) In Part (X) In Full

( ) Classify as ( ) Extend as ( ) Downgrade to

Date Declassify on Reason

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Box 1741

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Department of State

INCOMING  
TELEGRAM

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INFO OCT-01 ADS-00 OPR-02 IO-14 HA-05 SY-05 SYE-00  
CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 ICAE-00  
INRE-00 PM-05 H-01 INR-10 L-03 PA-01 INC-01  
SP-02 SS-15 AID-05 A-02 /087 W

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FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC NIACT IMMEDIATE 2009

SECTION 2 OF 2 BUENOS AIRES 6803

IN FACT, PASTOR ASKED ME TO REPORT HIS DESIRE TO MEET WITH SECY VANCE DURING THE FORTHCOMING UN MEETING IN SEPTEMBER. HE EMPHASIZED THAT ABOVE EVERYTHING HIS RELATIONS WITH SECY VANCE MUST PREVAIL, AS HE FELT THEY COULD ARRIVE AT A MEETING OF THE MINDS.

9. FONMIN STATED YESTERDAY'S NOTE OF PROTEST WAS OF A PERFUNCTORY NATURE FOR DOMESTIC CONSUMPTION, AS MILITARY HARD-LINERS AS WELL AS THE MEDIA WERE SNAPPING AT HIS HEELS. HE THEN WENT INTO A SONG AND DANCE OF HOW GOA WAS ATTEMPTING TO BOLSTER AND ENCOURAGE AN INDEPENDENT JUDICIARY. HE ATTEMPTED TO CLARIFY THAT THE RAIDS ON THE HUMAN RIGHTS ESTABLISHMENTS WERE NOTING MORE THAN THE "FLEXING OF THE MUSCLES" BY A JUDGE WHO WANTED TO PRESENT A SHOW OF STRENGTH OF THE JUDICIARY. FONMIN CLAIMED IT WAS BEYOND THE EXECUTIVE TO INTERFERE WITH JUDICIAL FUNCTIONS. I CONGRATULATED HIM FOR GOA'S SUPPORT OF JUDICIAL INDEPENDENCE, BUT INFORMED HIM I WAS FRUSTRATED OVER THE LACK OF RESPECT FOR JUDICIAL INDEPENDENCE IN THE TIMERMAN CASE. I REMINDED HIM A MILITARY TRIBUNAL AND THE ARGENTINE SUPREME COURT HAD EXONERATED TIMERMAN BUT YET HE WAS STILL UNDER HOUSE ARREST. HE AGREED THIS WAS AN INCONSISTENCY AND THEY STILL HAD A LONG WAY TO GO.

10. PASTOR ASKED ME IF I HAD BEEN ABLE TO OBTAIN A LETTER FROM TIMERMAN AGREEING TO "SPEAK NO EVIL" AGAINST ARGENTINA IF ALLOWED TO GO TO ISRAEL. I REPLIED I HAD NOT. HE THEN ASKED IF I COULD ALSO OBTAIN A LETTER FROM THE GOVERNMENT OF ISRAEL WHEREIN GOI AGREED TO EXERCISE SOME TYPE OF RESTRAINT OVER TIMERMAN WHILE IN ISRAEL. I ALSO REPLIED NEGATIVE TO THIS ONE. I TOLD PASTOR I WAS WAITING FOR A VISIT FROM MS. TIMERMAN. AT THIS POINT, FONMIN STATED HE FELT THAT WITH BOTH OF THESE LETTERS HE COULD PERSUADE GENERAL SUAREZ MASON ET AL TO AGREE TO TIMERMAN'S RELEASE. PASTOR SAID BRIG. GENERAL GRAFFIGNA, AF COMMANDER AND JUNTA MEMBER, HAD AGREED TO BRING THE TIMERMAN CASE UP AT THE NEXT JUNTA MEETING. COMMENT: THIS COMMITMENT SUPPOSEDLY HAD BEEN OBTAINED PRIOR TO THIS LAST FLARE-UP. I DOUBT GRAFFIGNA WOULD BE WILLING TO TAKE THIS RESPONSIBILITY UNDER THIS MORNING'S CONDITIONS.

11. THE ARGENTINES SEEM TO BE REALLY ANGRY. IT IS NOT POSSIBLE TO FORECAST THE ULTIMATE CONSEQUENCES. I ALSO MET YESTERDAY WITH GENERAL VIOLA, JUNTA PRESIDENT AND ARMY COMMANDER. AT 1830 HRS. I DISCUSSED WITH VIOLA RUMORS OF CLANDESTINE CAMPS AND KILLING OF PRISONERS. THIS IS THE SUBJECT OF SEPARATE CABLE.

12. PLEASE SEND TEXT OF RESTON STATEMENTS.  
CASTRO

~~SECRET~~